

Patent
Attorney Docket No. 034074-794

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

James A. AUDIA et al.

Application No.: 10/768,970

Filing Date: February 2, 2004

Title: METHODS AND COMPOUNDS FOR INHIBITING B-AMYLOID PEPTIDE RELEASE AND/OR ITS SYNTHESIS

Group Art Unit: 1625

Examiner: Unassigned

Confirmation No.: 4567

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☒ Also enclosed is/are a copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- _____
- _____
- _____
- _____
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted _____
- _____
- on _____
- for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

Buchanan Ingersoll PC
ATTORNEYS

Including attorneys from Burns Doane Swecker & Mathis

Page 1 of 2
(8/05)

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	1	MINUS 20 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	1	MINUS 3 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: October 24, 2005

By George F. Lesmes
for Brian P. O'Shaughnessy
Registration No. 32,747

George F. Lesmes
Registration No. 19,995



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP
James A. AUDIA et al.)	
Application No.: 10/768,970)	Group Art Unit: 1625
Filed: February 2, 2004)	Examiner: Unassigned
For: METHODS AND COMPOUNDS FOR)	Confirmation No.: 4567
INHIBITING B-AMYLOID PEPTIDE)	
RELEASE AND/OR ITS SYNTHESIS)	

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice states that the application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825, and asserts that Applicants must provide a computer readable form copy of the Sequence Listing, as well as an amendment directing its entry into the application. Respectfully, this Notice is incorrect.

In Applicants' Response filed June 2, 2004 to the Notice to File Missing Parts mailed May 12, 2004, Applicants maintained that the present application contains no sequence listing. In the present Response, Applicants reiterate their position that a sequence listing and amendment are not required. The present application contains no sequence listing, whether paper or computer readable, and no sequence listings are necessary for an understanding of the invention. As the original application contained no sequence data or any reference to nucleotide or amino acid sequences, Applicants submit that no computer readable form of

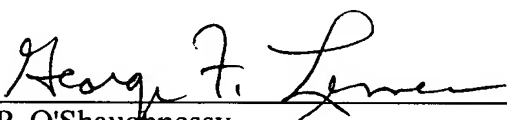

any sequence listing is necessary to comply with the formal filing requirement of the present application.

It is respectfully submitted that the present document constitutes a complete and proper response to the Notice. If the Patent and Trademark Office maintains the position that a sequence listing and amendment are necessary, it is requested that the undersigned be contacted by telephone at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: October 24, 2005

By: 
 Brian P. O'Shaughnessy
Registration No. 32,747

George F. Lesmes
Registration No. 19,995

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/768,970	02/02/2004	James E. Audia	034074-794

21839

BUCHANAN INGERSOLL PC
 (INCLUDING BURNS, DOANE, SWECKER & MATHIS)
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CONFIRMATION NO. 4567
 FORMALITIES
 LETTER

Date Mailed: 09/09/2005

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

To Download Patent Software, visit <http://www.uspto.gov/web/patents/software.htm>
 For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents

P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Phuong Su
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE